

Mayor Nolan offered a motion to move on the adoption of the following Resolution:

RESOLUTION APPROVING THE SITE PLAN AND VARIANCE
APPLICATION OF EILEEN SCANLON FOR 22-24 FIFTH STREET,
BLOCK 56, LOT 15

WHEREAS, the applicant is the owner of property known as Block 56, Lot 15 on the Borough of Highlands Tax Map, which property is located at 22-24 Fifth Street, Highlands, New Jersey and is located in the WT-CT Zone; and

WHEREAS, the applicant has applied for preliminary and final site plan approval and bulk variances for the demolition and reconstruction of one unit, designated as unit #5 (and increasing the square footage from 372 square feet to 386 square feet), that was severely damaged by Hurricane Sandy. There are a total of five bungalow units at the site. In addition to the foregoing the applicant has applied for bulk variances and site improvements including a driveway and parking for six (6) automobiles. The details of the foregoing application are set forth in the application filed with the Board and on the maps and exhibits presented to the Board at a public hearing held on June 12, 2014; and

WHEREAS, all jurisdictional requirements have been met and proper notice was given pursuant to the Municipal Land Use Act and Borough Ordinances, and the Board has jurisdiction to consider this application; and

WHEREAS, the Board considered this application at a public hearing held on June 12, 2014; and

WHEREAS, Eileen Scanlon, the applicant and Catherine Franco, a licensed architect and planner in the State of New Jersey testified on behalf of the applicant at the public hearing; and

WHEREAS, members of the public were given the opportunity to testify at the public hearing; and

WHEREAS, the Board after considering the evidence and testimony presented by the applicant and the members of the public, has made the following findings of fact and conclusions based thereon:

1. The property is located in the WT-C Zone.
2. The proposed use is a permitted use in the aforementioned zone.
3. The variances required in connection with this application are as follows:
 - a. The required minimum side yard setback is 6/8 feet and the applicant has proposed 3.0/3.0 feet.
 - b. There are multiple existing bulk deficiencies or variances associated with this property that are not being affected by this application and remain the same in the future.

- c. The required on-site parking requirement pursuant to the zoning ordinance is 6 spaces, which spaces will be installed on the premises by the applicant.
4. The applicant's planner/architect opined that the variances are necessitated by the exceptional narrowness of the lot (C-1 criteria) and that the new layout has improved the conditions at the subject premises and lessened the negative impact of the variances on the applicable provisions of the zoning ordinance (C-2 criteria). The planner also testified on the hardship that the applicant would suffer if the variances were not granted.
5. The Board accepts the testimony of the applicant's planner as the basis for the grant of the variances and finds that the proposed project will not substantially impair the intent and purposes of the applicable provisions of the zoning ordinances and master plan and will not have any substantial negative impact on the neighborhood in which the project is located.
6. The site plan portion of the application as presented, in conjunction with the conditions of approval imposed by this Board hereinafter, complies with the applicable development ordinances of the Borough of Highlands; and

WHEREAS, the Board after considering the testimony and exhibits has found the proposed project to be acceptable with conditions.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that the application for preliminary and final site plan approval and variances is hereby approved contingent upon the following conditions being met;

1. All testimony, evidence and representations made by the applicant and her witnesses are incorporated herein.
2. Taxes, fees and escrow accounts shall be current.
3. The applicant shall comply with all of the outstanding comments and conditions set forth in the Board Engineer's report for this project dated April 4, 2014, which report is incorporated herein in full by reference thereto.
4. The applicant agrees to post performance bonds and/or inspection fees as determined by the Borough Engineer if any.
5. The applicant will obtain the approval of all required outside agencies for the project.
6. The applicant's architect shall revise the plans and include the following items:
 - a. The six (6) on-site parking spaces as directed by the Board at the public hearing.
 - b. Increase the side yard setback of the proposed structure to three (3) feet from the two (2) feet originally proposed and redesign the second floor of unit #5 to be cantilevered over the driveway.
 - c. Submission of working drawings showing the required "flood vents". Said vents must be FEMA compliant.

- d. The Zoning Table set forth on the plans must be revised to show the correct information.
7. This approval is subject to the review and approval of the plans by the Borough Fire Marshal and the conditions set forth in his report to be issued after the review. In the event the Fire Marshal is not satisfied with plans as amended and approved by this Board, the applicant must return to this Board for further hearings of this matter.
 8. The first floor of proposed unit #5 will only be used for storage purposes.

Seconded by Mr. Redmond and adopted on the following roll call vote:

Ayes: Mayor Nolan, Mr. Redmond, Mr. Stockton

Nays: None

Abstain: None

August 14, 2014.

Board Secretary

I certify this to be a true copy of the written Resolution adopted by the Borough of Highlands Planning Board on August 14, 2014.

Board Secretary